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**FILED**

JAN - 5 2006

CLERK OF DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 OSCAR MARTINEZ,

15 Defendant.  
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) CR NO. 05-00734 JW  
)  
)  
)

) UNOPPOSED APPLICATION FOR  
) EXTENSION OF TIME TO ALLOW  
) SECOND SURETY TO CO-SIGN BOND  
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)  
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18 Defendant Oscar Martinez, through his attorney, hereby moves this Court for an  
19 extension of time of one week for a second surety to co-sign his bond. The government has  
20 graciously agreed and stated that it does not oppose this application. The reasons are as follows.

21 Undersigned counsel was asked by the Federal Public Defender's Office to replace Mr.  
22 Manuel Campos as Mr. Martinez's attorney on January 3, 2006. While the appointment papers  
23 are not yet signed, counsel expects them to be signed soon, with a nunc pro tunc date of January  
24 3d. Upon entering the case, undersigned counsel learned that on December 15, 2005, the Hon.  
25 Magistrate Judge Richard Seeborg had given Mr. Martinez until January 5, 2006 to have a  
26 second surety co-sign his bond. Due to confusion apparently resulting from Mr. Martinez having  
27 yet a third attorney at the December 15 bond hearing and the withdrawal of Mr. Campos shortly  
28 thereafter, this has not yet been done. However, Mr. Martinez does have a surety who is willing

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1 to sign the bond. The potential surety lives in Southern California. Counsel is asking for a one  
2 week extension of time to allow time to arrange a bond signing in federal court in San Diego  
3 (which undersigned counsel is currently trying to arrange) or to travel to San Jose if that becomes  
4 necessary. The government has graciously stated that it does not object to a one week extension  
5 of time for Mr. Martinez to obtain the signature of a second surety on his bond.

6 Defendant therefore respectfully requests an Order giving him until January 12, 2006 to  
7 have a second surety co-sign his bond.

8 Dated: January 4, 2006 Respectfully submitted,

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11 MARK D. EIBERT  
Attorney for Defendant Oscar Martinez

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13 **ORDER**

14 Good cause appearing therefore, it is hereby ORDERED that defendant Oscar Martinez  
15 shall have until January 12, 2006 to have a second surety co-sign his bond.

16 Dated: January 5, 2006

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UNITED STATES MAGISTRATE JUDGE

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28 UNOPPOSED APPLICATION FOR EXTENSION OF TIME TO ALLOW SECOND SURETY TO CO-SIGN BOND, U.S. V.